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3 **UNITED STATES DISTRICT COURT**
4 **NORTHERN DISTRICT OF CALIFORNIA**
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6 **JOE SAMBORA, ET AL.,**

7 Plaintiffs,

8 vs.

9 **BLUESMART, INC., ET AL.,**

10 Defendants.
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CASE NO. 18-cv-01253-YGR

**ORDER GRANTING RIMON P.C.'S MOTION
TO WITHDRAW AS ATTORNEY OF RECORD
FOR DEFENDANT BLUESMART, INC.**

Re: Dkt. No. 24

12 Plaintiffs Joe Sambora and William Taylor filed their original complaint in the above-
13 captioned action on February 26, 2018. (Dkt. No. 1.) Defendant Bluesmart, Inc. ("Bluesmart")
14 answered on April 20, 2018. (Dkt. No. 15.) Now before the Court is Rimon P.C.'s ("Rimon")
15 motion to withdraw as attorney of record for Bluesmart on the ground that the attorney-client
16 relationship between Rimon and Bluesmart has broken down. (Dkt. No. 24.) In particular,
17 Bluesmart has not communicated with counsel since May 2, 2018, has entered into an assignment
18 for the benefit of creditors, and has no continuing business operations. As stated on the record at
19 the case management conference held on May 14, 2018, the Court concludes that defense counsel
20 has thus demonstrated sufficient reasons to be relieved as counsel. Accordingly Rimon's motion
21 is **GRANTED**.

22 "A corporation may appear in federal court only through licensed counsel." *United States*
23 *v. High Country Broadcasting Co., Inc.*, 3 F.3d 1244, 1245 (9th Cir. 1993) (citing *Rowland v.*
24 *California Men's Colony*, 506 U.S. 194, 201-02 (1993)). Accordingly, Bluesmart is hereby
25 **ORDERED** to identify substitute counsel who shall file a notice of appearance for Bluesmart by
26 **May 21, 2018**, in conjunction with Bluesmart's and Bluesmart (Assignment for the Benefit of
27 Creditors), LLC's ("Bluesmart ABC") deadline to file an answer to plaintiffs' amended complaint
28 (Dkt. No. 26). If Bluesmart fails to do so, the Court will entertain a motion to strike Bluesmart's

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answer to the original complaint and for entry of default. *See High Country*, 3 F.3d at 1245.

The Court additionally **CONTINUES** Bluesmart’s and Bluesmart ABC’s deadline to oppose plaintiffs’ motion for preliminary injunctive relief (Dkt. No. 29) to **May 21, 2018**. Any reply to defendants’ opposition must be filed no later than **May 28, 2018**.

This Order terminates Docket Number 24.

IT IS SO ORDERED.

Dated: May 15, 2018


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE